

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LUIS TORO, on behalf of himself and all others similarly situated,

Plaintiffs,

-against-

FRENCH BULL, LLC,

Defendant.

23-CV-3656 (JGLC)

## **ORDER**

JESSICA G. L. CLARKE, United States District Judge:

The Complaint was filed on May 1, 2023 and a summons was issued on May 2, 2023.

The docket does not reflect that the summons and Complaint were ever served on Defendant. On August 8, 2023, the Court ordered Plaintiff to show good cause in writing why service of the summons and Complaint was not made within the 90 days prescribed by Rule 4(m) of the Federal Rules of Civil Procedure – or, if Plaintiff believed service had been made, to demonstrate when and in what manner service *was* made within the 90 days. *See* ECF No. 7. The Court notified Plaintiff that if he did not show good cause – or file anything – by August 15, 2023, the Court would dismiss the Complaint. *Id.* Plaintiff did not file anything by the deadline.

Accordingly, the Complaint is DISMISSED without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Any pending motions are moot. All conferences are canceled. The Clerk of Court is directed to close the case.

Dated: August 21, 2023  
New York, New York

SO ORDERED.

Jessica Clarke

JESSICA G. L. CLARKE  
United States District Judge